

By: Farrar

H.B. No. 140

A BILL TO BE ENTITLED

AN ACT

relating to grounds for refusal to renew certain wine and beer retailer's permits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 11, Alcoholic Beverage Code, is amended by adding Section 11.461 to read as follows:

Sec. 11.461. CERTAIN WINE AND BEER RETAILER'S PERMITS: ADDITIONAL GROUNDS FOR REFUSAL TO RENEW. (a) This section applies only to a wine and beer retailer's permit for premises located in a municipality:

(1) with a population of 1.5 million or more; and

(2) that has not adopted a comprehensive zoning ordinance under Subchapter A, Chapter 211, Local Government Code.

(b) The commission or administrator may refuse to issue a renewal wine and beer retailer's permit for a premises located within 300 feet of a church, school, or day-care center or child-care facility, as that distance is determined under Sections 109.33 and 109.331, if the commission or administrator determines after a hearing that the operation of the premises has an adverse effect on the health, safety, or welfare of individuals attending the church, school, or day-care center or child-care facility.

SECTION 2. (a) The change in law made by this Act applies only to an application for renewal of a wine and beer retailer's permit that is filed or pending on or after the effective date of

1 this Act.

2 (b) An application for renewal of a wine and beer retailer's
3 permit that is filed and approved before the effective date of this
4 Act is governed by the law in effect immediately before that date,
5 and that law is continued in effect for that purpose.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2005.